THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.23773 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the notice issued by the respondent dated 7.8.2003 calling upon the petitioner to show cause as to why action shall not be taken under Section 86 of the Motor Vehicles Act, 1988 for violation of conditions of the permit as arbitrary and illegal.

I have heard the learned counsel for both the parties and perused the material on record.

The learned counsel for the petitioner at the outset submitted that the issue raised in this writ petition is squarely covered by the decision of this Court in **M. Muralidhar Reddy v. Deputy Transport Commissioner and Secretary, RTA, Kurnool**[1].

In the said decision, having considered all the relevant statutory provisions in detail, particularly Section 114 of the Motor Vehicles Act, 1988 and Rule 286 of A.P. Motor Vehicles Rules, 1989 (for short "the Act"), held that the finding as to overload recorded by an unauthorized officer cannot be the basis for initiating action for compounding the offence under the Act and the Rules made thereunder.

The learned Government Pleader does not dispute the fact that the ratio laid down in the said decision squarely applies to the case on hand.

Following the above decision, the impugned notice dated 7.8.2003 is set aside and the writ petition is accordingly, allowed. No costs.

(G. ROHINI, J.)

15th November, 2006.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.23773 OF 2006

15th November, 2006.

Between:

M/s Vikash Road Ways,
represented by K. Veerabhadra Rao.. .. Petitioner.

And

The Regional Transport Officer.
Mancherial, Adilabad district. .. Respondent.

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[1] 2003(5) ALD 1.